

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	13-00357-01-CR-W-GAF
RICHARD A. SIGSBURY,)	
)	
Defendant.)	

TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE GARY A. FENNER
UNITED STATES DISTRICT JUDGE
OCTOBER 30, 2014
KANSAS CITY, MISSOURI

FOR THE PLAINTIFF:
MS. KATHARINE FINCHAM
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Charles Evans Whittaker Courthouse
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FOR THE DEFENDANT:
MR. ROBERT G. KUCHAR
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Proceedings recorded by mechanical stenography, transcript
produced by computer

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OCTOBER 30, 2014

THE COURT: Ready, Mr. Kuchar?

MR. KUCHAR: Yes, sir.

THE COURT: And, Mr. Kuchar, there's no plea agreement in this case; is that correct?

MR. KUCHAR: That's correct.

THE COURT: Is this a plea to all charges?

MR. KUCHAR: Yes, sir.

THE COURT: Thank you.

Mr. Sigsbury, would you please stand, raise your right hand, and receive an oath from my clerk.

RICHARD ALAN SIGSBURY, being duly sworn by the courtroom deputy, testified:

THE COURT: Thank you. You can be seated and everyone can stay seated as we go through this.

Mr. Kuchar, would you position that microphone so that Mr. Sigsbury can speak into it?

EXAMINATION BY THE COURT:

Q First of all, Mr. Sigsbury, do you understand that you're now under oath, and as a result, if you were to answer any of my questions falsely, those answers could later be used against you in yet another prosecution for perjury or making a false statement?

A Yes.

Q Would you state your full name for me, please.

1 A Richard Alan Sigsbury.

2 Q And how old are you, sir?

3 A Fifty-one.

4 Q Mr. Sigsbury, how far have you gone in school?

5 A Eleventh grade.

6 Q Are you currently under the influence of any drug or
7 medication or alcoholic beverage of any kind?

8 A No.

9 Q Have you been treated recently for any mental illness
10 or addiction to narcotic drugs of any kind?

11 A No.

12 Q Have you received a copy of the indictment which
13 contains the charges pending against you in this case?

14 A Yes.

15 Q Have you had an opportunity to review the charges
16 against you as well as review and discuss your case in general
17 fully with Mr. Kuchar as your attorney?

18 A Yes, I did.

19 Q Has Mr. Kuchar done everything that you've asked him to
20 do as your attorney in this case?

21 A Yes, he has.

22 Q Do you have any question, concern, or complaint
23 regarding the legal advice or legal representation provided for
24 you by Mr. Kuchar?

25 A No.

1 Q Are you totally and fully satisfied with the legal
2 advice and legal representation provided by Mr. Kuchar?

3 A Yes, I am.

4 Q Has anyone made any promise or assurance to you of any
5 kind in an effort to cause you to enter pleas in this case?

6 A No.

7 Q Do you feel that anyone has attempted in any way to
8 force you to plead guilty?

9 A No.

10 Q Is it your desire to plead guilty to the charges
11 against you of your own free will because you are, in fact,
12 guilty of those charges?

13 A Yes.

14 Q And do you understand that these are felony offenses?

15 A Yes.

16 Q Do you understand that if your pleas are accepted, you
17 will be adjudged guilty and that you may thereby be deprived of
18 valuable civil rights, such as your right to vote, your right
19 to hold public office, your right to serve on a jury, and your
20 right to possess any kind of a firearm?

21 A Yes.

22 Q Do you understand that the range of punishment under
23 Count 1 of the indictment includes a term of imprisonment of
24 not less than five years and up to 20 years and a fine of up to
25 \$250,000?

1 A Yes.

2 Q Do you understand that the range of punishment under
3 Count 2 of the indictment provides for the same range of
4 imprisonment and the same limit of up to \$250,000 by way of a
5 fine?

6 A Yes.

7 Q And do you understand that the punishment under Count 3
8 provides for the same range of imprisonment and same potential
9 fine as under Counts 1 and 2?

10 A Yes.

11 Q And do you understand that under Count 4 of the
12 indictment the range of punishment includes a term of
13 imprisonment of not less than 15 years and up to 30 years and a
14 fine of up to \$250,000?

15 A Yes.

16 Q Do you understand that the range of punishment under
17 Count 5 and the amount of fine is the same as under Count 4?

18 A Yes.

19 Q Do you understand that the range of punishment and the
20 fine under Count 6 is the same as under Counts 4 and 5?

21 A Yes.

22 Q Do you understand that the range of punishment and the
23 fine under Count 7 is the same as under Counts 4, 5, and 6?

24 A Yes.

25 Q And do you understand that the range of punishment

1 under Count 8 includes a term of imprisonment of not less than
2 five years and up to 20 years and a fine of up to \$250,000?

3 A Yes.

4 Q And do you understand that the range of punishment
5 under Count 9 includes a term of imprisonment of up to ten
6 years and a fine of up to \$250,000?

7 A Yes.

8 Q And do you understand that the range of punishment
9 under Count 10 is the same as under Count 9?

10 A Yes.

11 Q And do you understand that there is also a forfeiture
12 allegation brought against you under this indictment?

13 A Yes.

14 Q And do you understand that the terms of imprisonment
15 under each of the ten counts could be ordered to be served at
16 the same time or one after the other?

17 A Yes.

18 Q And do you understand that the fine could be assessed
19 separately up to the total amount on each count?

20 A Yes.

21 Q And do you understand that under each count, upon your
22 release from any period of imprisonment, you could be required
23 to serve a term of not less than five years and up to life of
24 supervised release?

25 A Yes.

1 Q And do you understand that if while you were serving
2 any term of supervised release, your supervised release was to
3 be revoked, that you could be returned to prison for up to the
4 full term of your supervised release without being given any
5 credit for the time that you had already served while you were
6 under supervision?

7 A Yes.

8 Q And in addition to those matters, do you understand
9 that if your pleas are accepted, you will be required to pay
10 the government a special assessment in the amount of \$100 on
11 each count for a total of \$1,000?

12 A Yes.

13 Q And you understand that pursuant to the forfeiture
14 allegation, you are agreeing to forfeit all of the property and
15 items listed and delineated therein?

16 A Yes, I do.

17 Q Mr. Sigsbury, do you understand that if your plea is
18 accepted, it will be up to the Court to determine a reasonable
19 and appropriate sentence in your case?

20 A Yes, I do.

21 Q And do you understand that in order to determine an
22 appropriate sentence, the probation office will prepare a
23 presentence report; and when that report is concluded, a
24 sentencing hearing will be scheduled for the Court to determine
25 an appropriate sentence?

1 A Yes, I do.

2 Q And do you understand, sir, that there are a number of
3 statutory factors that the Court is required to consider in
4 determining an appropriate sentence, and that one of those
5 factors will be the recommended range of punishment under the
6 United States Sentencing Guidelines?

7 A Yes.

8 Q And do you understand that the sentencing guidelines
9 are not mandatory; therefore, while you might be sentenced to
10 terms as recommended by the guidelines, you could be sentenced
11 to lesser terms or even greater terms than otherwise
12 recommended by the sentencing guidelines?

13 A Yes, I do.

14 Q And do you understand, sir, that if there are issues of
15 fact that are in dispute between you and the government which
16 factual disputes must be decided to determine how the
17 sentencing guidelines are to be applied, those factual disputes
18 will be decided by the Court at the time of your sentencing
19 hearing based upon the preponderance or greater weight of the
20 evidence presented?

21 A Yes.

22 Q And do you understand that in deciding any disputed
23 factual issues, the Court will consider all information deemed
24 reliable, which could include hearsay?

25 A Yes.

1 Q And do you understand that if the Court determines that
2 the sentencing guidelines are to be applied in a manner
3 different than what you or your attorney anticipated might be
4 the case, that would not provide you with a basis to withdraw a
5 plea of guilty?

6 A Yes.

7 Q You also understand, Mr. Sigsbury, that in the federal
8 system there's no parole; therefore, if you're sentenced to
9 terms of imprisonment, you will not be eligible to be released
10 from prison prior to the expiration of any term of imprisonment
11 on parole?

12 A Yes.

13 Q And do you understand that you do have a right to
14 maintain pleas of not guilty and to have a trial which could be
15 by a jury if it was your choice to do so?

16 A Yes, I do.

17 Q Do you understand that if there was a trial, that you
18 would be presumed to be innocent and the government would be
19 required to prove your guilt beyond a reasonable doubt?

20 A Yes.

21 Q Do you understand that if there was a trial, you would
22 have the following rights at trial: The right to the
23 assistance of counsel for your defense, the right to see and
24 hear all witnesses and have them cross-examined in your
25 defense, the right on your own part to decline to testify or

1 present any evidence unless you voluntarily chose to do so, and
2 the right to have subpoenas issued to compel the attendance of
3 witnesses to testify at your trial?

4 A Yes, I do.

5 Q Do you understand that if you were to decide at a trial
6 not to testify or present any evidence, the government would
7 not be allowed to argue or use those facts or circumstances
8 against you?

9 A Yes, I do.

10 Q And do you understand that entering a plea of guilty
11 that if your plea is accepted, there will not be a trial and
12 you will have waived or given up your right to trial as well as
13 all of the other rights associated with a trial that we have
14 just discussed?

15 A Yes.

16 Q Do you understand that under Count 1 if there was a
17 trial, the government would be required to prove that you,
18 using any means or facility of interstate or foreign commerce,
19 knowingly distributed a visual depiction that had been shipped
20 and transported in or affecting interstate and foreign commerce
21 by any means including by computer, which contained material
22 which had been shipped and transferred in interstate and
23 foreign commerce by any means including by computer, and that
24 the production of the visual depiction involved the use of a
25 minor engaging in sexually explicit conduct, and such visual

1 depiction was of such conduct?

2 A Yes.

3 Q Do you understand the government would have to prove
4 that you did this on or about October 16th of 2010 within the
5 jurisdiction of this court, the Western District of Missouri?

6 A Yes.

7 Q And, Mr. Sigsbury, did you, in fact, ship and transport
8 in interstate commerce by means of computer a visual depiction
9 and the production of the visual depiction involved the use of
10 a minor engaging in sexually explicit conduct with a depiction
11 of such conduct?

12 A Yes, I did.

13 Q And did you do that on or about October the 16th of
14 2010?

15 A Yes, I did.

16 Q And did you do that in Jackson County, Missouri?

17 A Yes.

18 Q And were those images transmitted across state lines?

19 A Yes, they were.

20 THE COURT: Do you have any other record you'd like
21 to make regarding Count 1, Ms. Fincham?

22 MS. FINCHAM: No, Your Honor.

23 THE COURT: Do you, Mr. Kuchar?

24 MR. KUCHAR: No, Your Honor.

25 THE COURT: Thank you.

1 Q (By the Court) And, Mr. Sigsbury, do you understand
2 that if there was a trial under Count 2, the government would
3 be required to prove that you, using any means or facility of
4 interstate or foreign commerce, knowingly distributed a visual
5 depiction that had been shipped and transported in or affecting
6 interstate commerce and foreign commerce by any means including
7 by computer, and which contained material which had been
8 shipped and transported in interstate and foreign commerce by
9 any means including by computer, and the production of the
10 visual depiction involved the use of a minor engaging in
11 sexually explicit conduct?

12 A Yes.

13 Q Do you understand the government is required to prove
14 you did this on May 4th, 2011, within the jurisdiction of this
15 court, the Western District of Missouri?

16 A Yes.

17 Q And, Mr. Sigsbury, did you, in fact, knowingly
18 distribute by way of computer a visual depiction in interstate
19 commerce, that is, across state lines, which contained a visual
20 depiction involving the use of a minor engaging in sexually
21 explicit conduct with a depiction of such conduct?

22 A Yes, I did.

23 Q Did you do that on or about May 4th, 2011, in Jackson
24 County?

25 A Yes.

1 THE COURT: Do you have any further record on
2 Count 2, Ms. Fincham?

3 MS. FINCHAM: No.

4 THE COURT: Do you, Mr. Kuchar?

5 MR. KUCHAR: No, sir.

6 Q (By the Court) And, Mr. Sigsbury, do you understand
7 under Count 3, if there was a trial, the government would be
8 required to prove that you, using any means or facility of
9 interstate or foreign commerce, knowingly distributed a visual
10 depiction that had been shipped and transported in or affecting
11 interstate and foreign commerce by any means including by
12 computer, and which contained material which had been shipped
13 and transported in interstate and foreign customers by any
14 means including by computer, and the production of the visual
15 depiction involved the use of a minor engaging in sexually
16 explicit conduct, and such depiction was of such conduct? Do
17 you understand the government would have to prove all that?

18 A Yes.

19 Q Do you understand the government would have to prove
20 that under Count 3 you did this on or about May the 14th of
21 2010 within the jurisdiction of this court, the Western
22 District of Missouri?

23 A Yes.

24 Q And did you, in fact, ship in interstate commerce, that
25 is, across state lines, by means of computer a visual depiction

1 involving the use of a minor engaging in sexually explicit
2 conduct with the visual depiction of such conduct?

3 A Yes.

4 Q Did you do that on or about May the 14th of 2010,
5 again, in Jackson County, Missouri?

6 A Yes.

7 THE COURT: Any further record on Count 3, Ms.
8 Fincham?

9 MS. FINCHAM: I'm not sure the defendant said he
10 knowingly did it.

11 THE COURT: You may be right.

12 Q (By the Court) Did you knowingly distribute these
13 images as set forth under all of Counts 1, 2, and 3?

14 A Yes, I did.

15 THE COURT: Mr. Kuchar, any further record from you
16 on Count 3?

17 MR. KUCHAR: No, Your Honor.

18 Q (By the Court) And, Mr. Sigsbury, under Count 4 you
19 understand that if there was a trial, the government would be
20 required to prove that you knowingly published and caused to be
21 made, printed, and published a notice and advertisement seeking
22 and offering to receive, exchange, display, and distribute a
23 visual depiction, the production of which involved the use of a
24 minor engaging in sexually explicit conduct and such visual
25 depiction was of such conduct, and at the time you published

1 and caused the notice and advertisement to be published you
2 knew or had reason to know that such notice and advertisement
3 would be transported using any means or facility of interstate
4 or foreign commerce and in or affecting interstate or foreign
5 commerce by any means including by computer, and such notice
6 and advertisement was transported using any means or facility
7 of interstate or foreign commerce and in or affecting
8 interstate or foreign commerce by any means including a
9 computer?

10 A Yes, sir, I did.

11 Q And do you understand the government would have to
12 prove that you did these things between on or about May 20th of
13 2011 and May 23rd of 2011?

14 A Yes.

15 Q And do you understand that the government would have to
16 prove that you did this -- that actions in furtherance of this
17 activity occurred within the jurisdiction of this court, the
18 Western District of Missouri?

19 A Yes.

20 Q And, Mr. Sigsbury, did you, in fact, knowingly publish
21 and cause to be made, printed, or published a notice and
22 advertisement seeking and offering to receive, exchange,
23 display, and distribute a visual depiction, the production of
24 which involved the use of a minor engaging in sexually explicit
25 conduct with the visual depiction of such conduct?

1 A Yes, I did.

2 Q And did you publish and cause the notice and
3 advertisement to be published knowing or having reason to know
4 that such notice and advertisement would be transported by any
5 means or facility of interstate or foreign commerce including
6 by computer? Did you knowingly do that?

7 A Yes, I did.

8 Q And was this notice or advertisement transported by any
9 means or facility of interstate and foreign commerce and in and
10 affecting interstate and foreign commerce by any means
11 including by computer?

12 A Yes, I did.

13 Q Did these actions occur between on or about May 20th,
14 2011 and May 23rd of 2011 in Jackson County, Missouri?

15 A Yes.

16 THE COURT: Any further record on Count 4, Ms.
17 Fincham?

18 MS. FINCHAM: No, Your Honor.

19 THE COURT: Mr. Kuchar?

20 MR. KUCHAR: No.

21 Q (By the Court) And do you understand, Mr. Sigsbury,
22 that if there was a trial under Count 5, the government would
23 be required to prove that you knowingly published and caused to
24 be made, printed, and published a notice and advertisement
25 seeking and offering to receive, exchange, display, and

1 distribute a visual depiction, the production of which involved
2 the use of a minor engaging in sexually explicit conduct and
3 such visual depiction was of such conduct, and that at the time
4 you published and caused the notice and advertisement to be
5 published you knew or had reason to know that such notice and
6 advertisement would be transported using any means or facility
7 of interstate or foreign commerce and in or affecting
8 interstate or foreign commerce by any means including by
9 computer, and such notice and advertisement was transported
10 using any means or facility of interstate or foreign commerce
11 and in or affecting interstate or foreign commerce by any means
12 including by computer?

13 A Yes, I did.

14 Q Do you understand the government would have to prove
15 that this occurred on or about June 2nd, 2011, again, within
16 the jurisdiction of this court, the Western District of
17 Missouri?

18 A Yes.

19 Q Mr. Sigsbury, did you, in fact, knowingly publish and
20 cause to be made, printed, and published a notice and
21 advertisement seeking to offer, receive, exchange, display, and
22 distribute a visual depiction, the production of which involved
23 the use of a minor engaging in sexually explicit conduct and
24 such visual depiction was of such conduct?

25 A Yes, I did.

1 Q And at the time you published and caused the notice and
2 advertisement to be published, did you know or have reason to
3 know that such notices and advertisements would be transported
4 using any means or facility of interstate commerce in and
5 affecting interstate or foreign commerce by any means including
6 by computer?

7 A Yes, I did.

8 Q And was the notice and advertisement transported in
9 interstate commerce, that is, across state lines by means of a
10 computer?

11 A Yes.

12 Q Did that occur on or about June 2nd, 2011, in Jackson
13 County?

14 A Yes.

15 THE COURT: Any further record on Count 5, Ms.
16 Fincham?

17 MS. FINCHAM: No, Your Honor.

18 THE COURT: Mr. Kuchar?

19 MR. KUCHAR: No, Your Honor.

20 Q (By the Court) And, Mr. Sigsbury, do you understand
21 that if there was a trial under Count 6, the government would
22 be required to prove that you knowingly published and caused to
23 be made, printed, and published a notice and advertisement
24 seeking and offering to receive, exchange, display, and
25 distribute a visual depiction, the production of which involved

1 the use of a minor engaging in sexually explicit conduct and
2 such visual depiction was of such conduct? Do you understand
3 the government would have to prove all of that?

4 A Yes.

5 Q Do you understand at the time you published and caused
6 notice and advertisement to be published you knew or had reason
7 to know that such notice and advertisement would be transported
8 using any means or facility of interstate or foreign commerce
9 and in or affecting interstate or foreign commerce by any means
10 including by computer, and such notice and advertisement was
11 transported using any means or facility of interstate and
12 foreign commerce and in or affecting interstate or foreign
13 commerce by any means including by computer?

14 A Yes.

15 Q Do you understand the government would have to prove
16 this occurred on June 21st of 2011 within the jurisdiction of
17 this court, the Western District of Missouri?

18 A Yes.

19 Q Mr. Sigsbury, did you, in fact, on or about June the
20 21st of 2011 knowingly publish and cause to be made, printed,
21 and published a notice and advertisement seeking to offer to
22 receive, exchange, display, and distribute a visual depiction,
23 the production of which involved the use of a minor engaging in
24 sexually explicit conduct and visual depiction was of such
25 conduct?

1 A Yes.

2 Q And at the time you published and caused the notice and
3 advertisement to be published did you know or have reason to
4 know that such notice and advertisement would be transported in
5 interstate or foreign commerce by means of a computer?

6 A Yes.

7 Q And was this notice and advertisement, in fact,
8 transported in interstate and foreign commerce by means of the
9 computer?

10 A Yes.

11 Q And did you do this in Jackson County, Missouri?

12 A Yes.

13 THE COURT: Any further record on Count 6, Ms.
14 Fincham?

15 MS. FINCHAM: No, Your Honor.

16 THE COURT: Mr. Kuchar?

17 MR. KUCHAR: No, Your Honor.

18 Q (By the Court) Mr. Sigsbury, if there was a trial
19 under Count 7, the government would be required to prove that
20 on or about December the 8th of 2011 you knowingly published
21 and caused to be made, printed, and published a notice and
22 advertisement seeking and offering to receive, exchange,
23 display, and distribute a visual depiction, the production of
24 which involved the use of a minor engaging in sexually explicit
25 conduct and that such visual depiction was of such conduct, and

1 at the time you published and caused the notice and
2 advertisement to be published you knew or had reason to know
3 that such notice and advertisement would be transported using
4 any means or facility of interstate or foreign commerce and in
5 or affecting interstate or foreign commerce by any means
6 including by computer, and that such notice and advertisement
7 was transported using any means or facility of interstate and
8 foreign commerce and in or affecting interstate or foreign
9 commerce by any means including by computer?

10 A Yes.

11 Q Do you understand the government would also have to
12 prove that you did this within the jurisdiction of this court,
13 the Western District of Missouri?

14 A Yes.

15 Q Mr. Sigsbury, did you on or about December the 8th of
16 2011 in Jackson County knowingly publish and cause to be made,
17 printed, and published a notice and advertisement seeking and
18 offering to receive, exchange, display, and distribute a visual
19 depiction, the production of which involved the use of a minor
20 engaging in sexually explicit conduct and such visual depiction
21 was, in fact, of such conduct?

22 A Yes.

23 Q And at the time you published and caused the notice and
24 advertisement to be published, did you know or have reason to
25 know that such notice and advertisement would be transported

1 using any means or facility of interstate or foreign commerce
2 affecting interstate or foreign commerce by means of computer?

3 A Yes, I did.

4 Q And did the notice -- was the notice and advertisement
5 transported in interstate and foreign commerce by means of a
6 computer?

7 A Yes.

8 THE COURT: Any further record on Count 7, Ms.
9 Fincham? I think I covered the date and Jackson County.

10 MS. FINCHAM: Nothing further. Thank you.

11 MR. KUCHAR: No, Your Honor.

12 THE COURT: I did cover the date in Jackson County.

13 MR. KUCHAR: I don't have anything further. I
14 thought you did.

15 THE COURT: I'm confident that I did but just to
16 make certain.

17 Q (By the Court) Do you understand, because it was out
18 of the otherwise routine, did you do this, Mr. Sigsbury, on or
19 about December the 8th of 2011 in Jackson County?

20 A Yes.

21 Q And under Count 8 do you understand that if there was a
22 trial, the government would be required to prove that on or
23 about December the 13th of 2011 in Jackson County you, using
24 any means or facility of interstate or foreign commerce,
25 knowingly distributed a visual depiction that had been shipped

1 and transported in or affecting interstate and foreign commerce
2 by any means including by computer, and which contained
3 material which had been shipped and transported in interstate
4 and foreign commerce by any means including by computer?

5 A Yes, I did.

6 Q Do you understand the government would have to prove
7 the production of the visual depiction involved the use of a
8 minor engaging in sexually explicit conduct and such visual
9 depiction was of such conduct?

10 A Yes.

11 Q And, Mr. Sigsbury, did you on or about December the
12 13th of 2011 in Jackson County, Missouri, use a means or
13 facility of interstate or foreign commerce to knowingly
14 distribute a visual depiction that had been shipped and
15 transported in or affecting interstate commerce by means of
16 computer?

17 A Yes, I did.

18 Q And did the material which had been shipped and
19 transported in interstate and foreign commerce by means of
20 computer involve the production of a visual depiction involving
21 the use of a minor engaging in sexually explicit conduct and
22 did the visual -- and was the visual depiction of such conduct?

23 A Yes, I did.

24 THE COURT: Any further record on Count 8, Ms.
25 Fincham?

1 MS. FINCHAM: No, Your Honor.

2 THE COURT: Mr. Kuchar?

3 MR. KUCHAR: No, Your Honor.

4 Q (By the Court) And, Mr. Sigsbury, do you understand
5 that if there was a trial under Count 9, the government would
6 be required to prove that on or about April the 23rd of 2012
7 within the jurisdiction of this court, the Western District of
8 Missouri, you knowingly possessed one or more films,
9 videotapes, and other matters, which contained visual
10 depictions, other than and in addition to the visual depictions
11 supporting Counts 1 through 8 of the indictment?

12 A Yes.

13 Q And do you understand the government would also be
14 required to prove that these items had been shipped and
15 transported using any means or facility of interstate or
16 foreign commerce and in or affecting interstate or foreign
17 commerce by any means including by computer?

18 A Yes.

19 Q And the government would be required to prove that the
20 visual depictions were produced using materials which had been
21 shipped and transported in interstate and foreign commerce by
22 any means including by computer, and that the production of the
23 visual depictions involved the use of minors engaging in
24 sexually explicit conduct, and were visual depictions of such
25 conduct?

1 A Yes.

2 Q I think I've said it, but you understand the government
3 would have to prove this occurred on or about April 23rd of
4 2012 within the Western District of Missouri?

5 A Yes.

6 Q And, Mr. Sigsbury, did you on or about April 23rd of
7 2012 in Jackson County knowingly possess one or more films and
8 other matter which contained visual depictions other than and
9 in addition to the visual depictions supporting Counts 1
10 through 8 of the indictment, which had been shipped and
11 transported in interstate and foreign commerce by means of
12 computer?

13 A Yes.

14 Q And did the visual depiction -- and were the visual
15 depictions produced using materials which had been shipped and
16 transported in interstate and foreign commerce by means of
17 computer?

18 A Yes.

19 Q And was the production of the visual depictions
20 involving the use of minors engaging in sexually explicit
21 conduct and were these visual depictions of such conduct?

22 A Yes.

23 THE COURT: Any further record on Count 9, Ms.
24 Fincham?

25 MS. FINCHAM: No, Your Honor.

1 THE COURT: Mr. Kuchar?

2 MR. KUCHAR: No, sir.

3 Q (By the Court) And, Mr. Sigsbury, do you understand
4 that if there was a trial under Count 10, the government would
5 be required to prove that on or about April 23rd of 2012 within
6 the Western District of Missouri, you knowingly possessed a
7 visual depiction other than and in addition to the visual
8 depictions supporting Counts 1 through 9 of the indictment,
9 which depicted a minor engaging in sexually explicit conduct
10 and which was obscene, and that the visual depiction had been
11 transported in interstate or foreign commerce by any means,
12 including by computer and was produced by materials that had
13 been transported and shipped -- had been transported in
14 interstate or foreign commerce by any means, including by
15 computer, and a means and instrumentality of foreign or
16 interstate commerce was used in committing the offense?

17 A Yes.

18 Q And, Mr. Sigsbury, did you, in fact, on April the 23rd
19 of 2012 in Jackson County, Missouri, knowingly possess a visual
20 depiction other than and in addition to the visual depictions
21 referenced and supporting Counts 1 through 9 of the indictment
22 which depicted a minor engaging in sexually explicit conduct
23 and which was obscene?

24 A Yes.

25 Q And were the visual depictions -- had the visual

1 depictions been transported in interstate and foreign commerce
2 by any means including by computer?

3 A Yes.

4 Q And was the visual depiction produced using materials
5 that had been transported in interstate or foreign commerce,
6 including by computer, and a means and instrumentality of
7 foreign commerce being used in committing the offense?

8 A Yes.

9 Q Again, did this occur on or about April 23rd of 2012 in
10 Jackson County?

11 A Yes.

12 THE COURT: Any further record on Count 10, Ms.
13 Fincham?

14 MS. FINCHAM: No, Your Honor.

15 THE COURT: Mr. Kuchar?

16 MR. KUCHAR: No, Your Honor.

17 Q (By the Court) And, Mr. Sigsbury, you advised me
18 earlier you wish to consent to the forfeiture allegation of the
19 indictment; is that correct, sir?

20 A I'm sorry?

21 Q You wish to consent to the forfeiture allegation?

22 A Yes.

23 Q And you've read and reviewed the forfeiture allegation
24 and you're familiar with the matters that are referenced, set
25 forth, and delineated under the forfeiture allegation; is that

1 correct?

2 A Yes.

3 Q Mr. Sigsbury, to the charge of distribution of child
4 pornography over the Internet as set forth in Counts 1, 2, 3,
5 and 8 of the indictment, as those charges are more fully and
6 specifically set out under those counts, how do you wish to
7 plead?

8 A Guilty.

9 Q And to the charges under Counts 4, 5, 6, and 7 of the
10 indictment charging you with advertising of child pornography
11 over the Internet, as those charges are more fully and
12 specifically set out in those counts, how do you wish to plead?

13 A Guilty.

14 Q And to the charges under Counts 9 and 10 of the
15 indictment charging you with possession -- under Count 9
16 charging you with possession of child pornography, as that
17 charge is more fully and specifically set out under Count 9,
18 how do you wish to plead?

19 A Guilty.

20 Q And to the charge under Count 10 of possession of child
21 obscenity, as that charge is more fully and specifically set
22 out under Count 10, how do you wish to plead?

23 A Guilty.

24 THE COURT: Mr. Sigsbury, I find that you're fully
25 competent and capable of entering informed pleas.

1 I find that you are aware of the nature of the
2 charges against you and that you are also aware of the
3 consequences of your plea.

4 I find that your pleas are made knowingly and
5 voluntarily; further, that your pleas are supported by an
6 independent basis in fact which contains all of the essential
7 elements of the offenses charged against you.

8 I, therefore, accept your pleas and adjudge you
9 guilty as charged under Counts 1 through 10 of the indictment.

10 I also enter a preliminary order of forfeiture
11 pursuant to the forfeiture allegation of the indictment.

12 Mr. Sigsbury, the probation office will now prepare
13 its presentence report in your case. When the report's
14 completed, we'll set a date for sentencing in your case, and
15 you will appear in court again at that time.

16 I'm going to order that you be retained in custody
17 pending sentencing and final disposition in your case.

18 Mr. Kuchar, do you have anything further that needs
19 to be taken up this morning?

20 MR. KUCHAR: No, Your Honor.

21 THE COURT: Ms. Fincham, do you?

22 MS. FINCHAM: No, Your Honor. Thank you.

23 THE COURT: Thank you all.

24 (Adjournment)
25

CERTIFICATE OF OFFICIAL REPORTER

I, Katherine A. Calvert, Federal Official Court Reporter, in and for the United States District Court for the Western District of Missouri, do hereby certify that the foregoing is a true and correct transcript of the stenographically reported proceedings in UNITED STATES OF AMERICA, Plaintiff, vs. RICHARD A. SIGSBURY, Defendant, No. 13-00357-01-CR-W-GAF.

Dated this 1st day of July, 2015.

KATHERINE A. CALVERT, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER